

**Atterbury, Laura M - DKR-7**

**From:** simpkin007@aol.com  
**Sent:** Thursday, May 31, 2007 8:23 AM  
**To:** FOIA  
**Cc:** johnson\_plan@hotmail.com; johnson\_plan@communitynet.org  
**Subject:** FOIA Request  
**Attachments:** FOIA\_Request\_DOE.pdf

RECEIVED BY: [initials]
FOIA OFFICE THIS
DATE: 5/31/07
DUE DATE: 06/28/07
LOG # 07.028

Ms. Brannon,

Please find attached a Freedom of Information Act request for additional information relative to the project identified in the FOIA letter attached.

Thank you in advance for your assistance in this matter.

James W. Simpkin  
OCC

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5/31/2007

# Opportunity Construction Company

1810 Schneidmiller Avenue, #140  
Post Falls, ID 83854  
(208)777-9181 Fax (208)777-9182

## FREEDOM OF INFORMATION ACT REQUEST

Department of Energy  
Bonneville Power Administration  
P.O. Box 3621  
Portland, OR 97208-3621  
ATTN: Ms. Christina J. Brannon, Freedom of Information Act Officer

Re: FOIA Request – Fulton Diversion Dam, BPA Project # 2005-007-00

Ms. Brannon,

This is a request under the Freedom of Information Act. These records I am requesting are related to work the BOR was associated with on the Fulton Diversion Dam, BPA Project # 2005-007-00. The project involved work between the BOR, BPA, Fish and Wildlife, and Chewuch Basin Council's Chris Johnson.

This request involves information that both the BPA and Chewuch Basin Council have in their possession. Other Federal Agencies may also have this information however OCC will submit separate FOIA's to those agencies under separate cover.

I request that a copy of the following documents be provided to me:

- 1) All documents prepared and submitted to the Department of the Army, Seattle District, Corps of Engineers, P.O. Box 3755, Seattle, WA 98124-3755, for Phase 2 of the Fulton Diversion Dam, BPA Project # 2005-007-00. Specifically, the information submitted for the approval of the 404 DA Permit.
- 2) All documents submitted to the BPA, NEPA/ESA, or other Federal Agencies, specifically for the Habitat Improvement Program Biological Opinion (HIP Opinion) for Phase 2 of the Fulton Diversion Dam, BPA Project # 2005-007-00.
- 3) The resulting HIP Opinion for Phase 2 of the Fulton Diversion Dam, BPA Project # 2005-007-00.
- 4) Copies of Chewuch Basin Council's (CBC) written procurement procedures per OMB Circular 110, if applicable. If CBC is under OMB Circular 102, then the Financial Management Practices CBC uses.
- 5) All documents and records provided to the DOE/BPA as to CBC's relationship with the Fulton Ditch Company and/or any other state recognized Irrigation District. Example: Non-profit entity owned by the Fulton Ditch Company, etc.

RECEIVED BY BPA FOIA OFFICE THIS DATE: 5/31/07
DUE DATE: 06/28/07
May 30, 2007 LOG # 07.028

- 6) All documents relative to CBC's accounting of the costs and expenditures for the above referenced project.
- 7) All documents and records relating to the official transmittal of all required local, state, and federal permits from the Chewuch Basin Council to Opportunity Construction Company, as required by contract and in some cases federal law.
- 8) All documents and records relating to the lawful ownership of the Fulton Diversion Dam, on which this funded work was performed.
- 9) All documents and records relative to permit agency's required re-submittal of radical changes in the project work sequencing and design. This would have transpired between September 2006 and March 2007.

In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am affiliated with a private corporation and am seeking information for use in the company's business.

I am willing to pay partial fees for this request up to a maximum of \$1,000.00. If you estimate that the fees will exceed this limit, please inform me first. In addition, the fees should be waived since there is significant information pertaining to operations and actions by the government, and work associated with the Endangered Species Act, and will contribute to the public's understanding of this work.

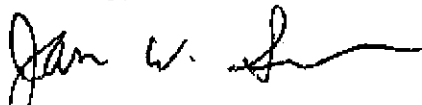
I request that the information I seek be provided in electronic format, and I would like to receive it on a personal computer disk [or a CD-ROM].

I ask that my request receive expedited processing because improprieties associated with this project have had considerable impact on our ability to meet obligations. This information will be reviewed by me and disseminated to the public at OCC's discretion.

I also include a telephone number at which I can be contacted at anytime, if necessary, to discuss any aspect of my request.

Thank you for your consideration of this request.

Sincerely,



James W. Simpkin  
1810 Schneidmiller Ave. #140  
Post Falls, ID 83854  
(208) 660-7038

CC: Chris Johnson, Chewuch Basin Council